UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,252	08/28/2001	David Kingsley Clark	AUS9-2001-0723-US1	6028

			EXAMINER
40412	7590	03/29/2006	STERRETT, JONATHAN G

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3623	

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9,11-17 and 19-24* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9,11-17 and 19-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Summary

1.   This **Final Office Action** is responsive to applicant's amendment filed

January 11, 2006.   **Claims 1, 3-9, 11-17 and 19-24** are pending in the

application.

Response to Arguments

2.   The applicants arguments have been fully considered but are moot in view

of new grounds of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1, 4, 8, 9, 12, 16, 17, 20 and 24** are rejected under 35

U.S.C. 102(e) as being anticipated by **Herz US 6,460,036** (hereinafter **Herz**)

Regarding **Claim 1**, Herz teaches:

compiling a voter data list that includes a plurality of authorized

voters;

column 48 line 27-30, a list of users may be compiled that includes a list of

authorized users. The purpose of compiling the list is to sell it to companies who

are wishing to conduct market research or voter research using the list of voters

where the list has relevant demographic information.

sending the voter data list to a mail forwarding service

column 32 line 19-24, column 32 line 63-65, the list of authorized users

(i.e. voters) is provided to the mail forwarding service, where the mail forwarding

service restricts communication based on the specifications (i.e. requirements) of

the individual users.

wherein the mail forwarding service sends one or more

vote requests to one or more of the plurality of authorized voters;

column 35 line 20-25, a proxy server acts to forward messages to users

(i.e. voters).

Column 18 line 37-40, users are presented with information where active

feedback is solicited (i.e. votes). The examiner interprets this passage to mean

the user is receiving an electronic message from the forwarding server

anonymously.

receiving the electronic voting message from a client;

column 18 line 37-40, users provide active feedback on items. The

examiner interprets this feedback to be a voting message. –see also column 18

line 19-21, here the user is providing active feedback electronically, i.e. an

electronic voting message.

determining, based on the voter data list, whether the

client is authorized to vote.

Column 35 line 54-56, the pseudonym associated with an anonymous

email is provided with a credential to validate that the message is authorized, i.e.

the user is authorized to vote.

in response to determining that the client is authorized to

vote, performing the following:

removing an identity of the client from the electronic voting

message, wherein the removing results in an anonymous message; and

column 35 line 25-30, the identity of the clients is removed from the

messages, between both users, to result in an anonymous message.

identifying one or more votes in the anonymous

message and

Column 18 line 37-40, users are presented with information where active

feedback is solicited (i.e. votes). The feedback produced would include one or

more votes in the anonymous message.

in response to determining that the client is not authorized to vote,

disregarding the electronic voting message.

Column 36 line 14-20, electronic credentials contained in a user's

message prevent unauthorized users from corresponding with an organization.

The credentials thus provide an avenue for authorized individuals to correspond,

while unauthorized individuals cannot and their electronic messages are

disregarded.

Regarding **Claim 4**, Herz discloses:

wherein the determining further comprises: retrieving the identity of the client; and comparing the identity of the client to one or more of the plurality of authorized voters retrieved from the voter data list.

Column 36 line 45-50, the identity of the user (i.e. their pseudonym) is stored in a data record with a random binary number to validate the pseudonym.

Column 35 line 23-27, the registry of validated pseudonyms allows users (i.e. clients) to communicate with information providers and vendors; i.e. an electronic message from a user is determined to be authorized based on comparing it to the one or more plurality of authorized pseudonyms (i.e. authorized voters) retrieved from the registry (i.e the voter data list).

Regarding **Claim 8**, Herz discloses:

wherein the electronic message is selected from the group consisting of a phone-in message, a private client email message, a public client email message, a hypertext transfer protocol message, a computer network message, an Active X message, and a Java message.

Column 35 line 20-25, the anonymous message is an email message.

Column 18 line 38-40, the articles shown to a user for feedback generate an electronic message. Since the articles are presented to the user in the context of their using the internet, the examiner interprets the articles that are presented to be in html form, with the active feedback described to also be in

html form.

Claims 9, 12, 16, 17, 20 and 24 recite limitations similar to those

addressed by the rejection of **Claims 1, 4 and 8** above, and are therefore

rejected under the same rationale.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

6.   **Claims 3, 5, 11, 13, 19 and 21** are rejected under 35 U.S.C. 103(a) as

being unpatentable over **Herz US 6,460,036** (hereinafter **Herz**)

Regarding **Claim 3**, Herz teaches providing for voting via an anonymous

proxy server and screening messages, including votes and request for votes

between users and requesters (see also column 63 line 54-56), but does not

teach:

sending a confirmation message to the client, the confirmation

message including a summary of the determination.

However, providing confirmation messages regarding a summary of a

determination is old and well known in the art of communication. This provides

for the user to receive notification (i.e. provide assurance) that their message has

been received.

It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify the teachings of Herz, regarding soliciting and receiving

anonymous feedback from users, to include the step of providing a confirmation

message to those users who provided feedback, so the user would receive

assurance their message had been received.

Regarding **Claim 5**, Herz discloses wherein freeform comments may be

extracted from forum posts (see column 62 line 34-37) and where, as noted

above, users may provide active feedback and voting regarding specific items,

Herz does not teach where the vote includes a freeform comment as per:

wherein one of the votes includes a freeform comment

However Official Notice is taken that using freeform comments as part of

surveys and voting is old and well known in the art. Freeform comments in a

survey allow the user to provide additional feedback beyond what is actually

covered in the survey and thus provide useful additional feedback.

It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify the teachings of Herz, regarding soliciting and receiving

anonymous feedback from users, to include the step of providing a freeform

comments in voting feedback from a user, because it would allow the user to

provide useful additional feedback beyond what is covered in the survey.

Claims 11, 13, 19 and 21 recite limitations similar to those addressed by

the rejection of **Claims 3 and 5** above, and are therefore rejected under the

same rationale.

7.   **Claims 6, 7, 14, 15, 22 and 23** are rejected under 35 U.S.C. 103(a) as

being unpatentable over **Herz US 6,460,036** (hereinafter **Herz**) in view of **Bayer**

US 6,311,190 (hereinafter **Bayer**).

Regarding **Claim 6**, Herz teaches users providing feedback on articles

and that the feedback can be used in voter research, however Herz does not

teach counting votes as per:

modifying a total number of votes, the modifying further including:

adding the one or more votes to the total number of votes.

Bayer teaches:

modifying a total number of votes, the modifying further including:

adding the one or more votes to the total number of votes.

Column 3 line 7-13, one or more votes is added to the total number of

votes in the course of conducting a survey.

Both Bayer and Herz address obtaining active feedback (i.e. voting) from users and thus both Bayer and Herz are analogous art.

Bayer teaches that summing votes electronically as they are received allows users to immediately see the results from their voting, which increases the survey participant's satisfaction (column 1 line 35-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Herz, regarding soliciting and receiving anonymous feedback from users, to include the step counting a total of votes as the votes are received from users, as taught by Bayer, because it would increase the survey participant's satisfaction.

Regarding **Claim 7**, Herz does not teach:

sending the total number of votes to a receiving server, wherein the receiving server is adapted to include the total number of votes with other received votes.

Bayer teaches:

sending the total number of votes to a receiving server, wherein the receiving server is adapted to include the total number of votes with other received votes.

Column 3 line 7-9, the network server (i.e. a receiving server) receives the votes to include the total number of votes with other received votes (in this case

the other received votes are votes from other countries used to create a histogram for comparing each country's vote with each other).

Both Bayer and Herz address obtaining active feedback (i.e. voting) from users and thus both Bayer and Herz are analogous art.

Bayer teaches that summing votes electronically as they are received by on a country by country basis (i.e. other received votes) allows users to compare their results with voters from other countries (column 3 line 10-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Herz, regarding soliciting and receiving anonymous feedback from users, to include the step of including the total number of votes with other received votes as taught by Bayer, because it would allow the voting participant to compare their results with voters from other countries via a histogram.

Claims 14, 15, 22 and 23 recite limitations similar to those addressed by the rejection of **Claims 6 and 7** above, and are therefore rejected under the same rationale.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Sheldon US 6708205 discloses an email messaging system.

Altschuler US 6151585 discloses a method for inferring influential

rumormongers from resource usage data.

Walker US 6978248 discloses a system for a mailing list testing service.

Raichur US 2001/0034015 discloses a network system for anonymous

question and answer.

Parmasad US 2001/0037234 discloses a method for determining a voting

result over a network.

Babbitt US 2002/0019767 discloses a distributed network voting system.

London Schrader US 2002/0077887 discloses an architecture for

anonymous public voting.

Kilian US 5495532 discloses an algorithm for secure electronic voting.

Plainfield US 5893075 discloses an interactive system for surveying

customers.

Mulligan US 5937161 discloses an electronic messaging forwarding

system.

Kudoh US 5948058 discloses an email cataloging and retrieving system.

O'Donnell US 6032177 discloses a method for conducting an interview

between two computers on a network.

Challener US 6081793 discloses a method for computer moderated

secure voting.

Paarsmarkt US 6118856 discloses a method for automatically forwarding

an email message.

Shaw US 6311211 discloses a method for delivery electronic advocacy

messages.

Goedken US 6393423 discloses a method for an electronic interchange.

Wu US 6741967 discloses a research bureau and test center method.

Neff US 6950948 discloses a method for using encrypted data for secure

elections.

Simek, Zeki; Veiga, John F; "A primer on Internet organizational surveys",
July 2001, Organizational Research Methods, v4n3, pp.218-235, Dialog
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Veal, DC; "Techniques of document management: A review of text
retrieval and related technologies", Mar 2001, Journal of Documentation, Vol. 57,
Iss. 2, p.192, ProQuest ID 71691867.

Stanton, Jeffrey M, "An empirical assessment of data collection using the
Internet", Autumn 1998, Personnel Psychology, v51n3, pp.709-725, Dialog
01704366 03-55356.

Turmey, Peter D; "Learning Algorithms for Keyphrase Extraction", May
2000, Information Retrieval, 2, 4; ABI/INFORM Global, p.303.

Parks, Alexia; "Online focus groups reshape market research industry",
May 12, 1997, Marketing News, v31n10, pp.28, Dialog 01415645 00066632.

Kramer, Matt; "These results just in....", Feb 3, 1997, PCWeek, v14, n5,
p.39(1), Dialog 09276574 19124939.

C. Shmandt; N Marmasse; S Marti; N Sawhney; S Wheeler; "Everywhere
Messaging", 2000, IBM Systems Journal, 39, ¾; ABI/INFORM Global, p.660.

Gabber, Eran, et.al.; "Consistent, yet anonymous, web access with
LPWA", Feb 1999, Communications of the ACM, v42n2, pp.42-47, Dialog
01765271 04-16262.

BusinessWire, "that began today", February 28, 2000, Dialog 09786961.

BusinessWire, "Top-Notch Industry Leaders Lend Support to PrivacyX",

March 23, 2000, p.0176, Dialog 07131122 60572580.

Network Briefing, "Ace-Quote.com to Launch Online Tender Forum", June

24, 1999, Dialog 07979869 54984400.

10.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Jonathan G. Sterrett whose telephone

number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax

phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

JGS 3-15-2006

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